

Remarks

I. Status of claims

Claims 1-26 are pending.

The Examiner has indicated that claims 4-18 and 23-26 would be allowable if rewritten in independent form.

II. Claim rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-3 and 19-22 under 35 U.S.C. § 103(a) over Fan (U.S. 6,757,081) in view of Hotta (U.S. 5,894,353).

The Statement of Common Ownership that is filed herewith establishes that the instant application and Fan were, at the time the invention of the instant application was made, owned by the same entity or subject to an obligation of assignment to the same entity. Therefore, Fan does not qualify as prior art in accordance with 35 U.S.C. § 103(c) (see MPEP § 706.02(I)(2)II).

Since the rejection of each of claims 1-3 and 19-22 relies on the disclosure of Fan, which is not prior art, the rejection of claims 1-3 and 19-22 under 35 U.S.C. § 103(a) over Fan in view of Hotta should be withdrawn.


III. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

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